



RCE/1615

PTO/SB/30 (08-00)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/465,338
Filing Date	December 17, 1999
First Named Inventor	Kenneth S. Albert
Group Art Unit	1615
Examiner Name	A. Pulliam
Attorney Docket Number	PT1817000

TECH CENTER 1600

APR 12 2001

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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☒ Other Information Disclosure Statement, filed March 29, 2000
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Request for Three Month Extension of Time

11/Reg under 1.114

Bet 4-18-01

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to
Deposit Account No. 08-3255
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 04/11/2001 CCHAU1 00000130 09465338
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC:179 710.00 OP
02 FC:117 890.00 OP
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 1,600.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Ivor M. Hughes	Registration No. (Attorney/Agent)	27,759
Signature		Date	April 9, 2001

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	
Signature	

Date	
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



IN THE UNITED STATES PATENT OFFICE

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APR 12 2001

TECH CENTER 1600/2900

Application Serial No. 09/465,338

Our Ref.: PT1817000

CUSTOMER NO. 23607

Applicant : BIOVAIL
LABORATORIES
INCORPORATED

Agent: Ivor M. Hughes,
Suite 200,
175 Commerce Valley
Drive West,
Thornhill, Ontario
Canada L3T 7P6

Title : CHRONOTHERAPEUTIC
FORMULATIONS OF DILTIAZEM
AND THE ADMINISTRATION THEREOF

Inventors : Kenneth Stephen Albert
Paul José Maes

Examiner: A. Pulliam

Group Art Unit: 1615

Due Date: April 11, 2001

**SUBMISSIONS ACCOMPANYING REQUEST FOR
CONTINUED EXAMINATION (RCE)**

April 9, 2001

The Commissioner of Patents
UNITED STATES PATENT OFFICE
1911 South Clark Place
Crystal Mall #1, 7th Floor Reception
Arlington, Virginia 22202
U.S.A.

Dear Sir:

In response to the outstanding Official Action dated October 11, 2000 and due for response January 11, 2001, Applicant encloses a Request for a three month extension of time with the fee for a large entity of \$890.00 U.S. funds making this response due **April 11, 2001**. If there is any deficiency or surplusage of the fees enclosed for the Extension of Time (fee), please obtain any such deficiency or credit the surplusage to Deposit Account 08-3255 and advise Applicant's Agent.